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PAPERS RELATING TO SAMUEL CORNELL NORTH CAROLINA LOYALIST

NEW YORK
1913

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Form p. 23 [VI-16-13 25]

PAPERS RELATING TO SAMUEL CORNELL, NORTH CAROLINA LOYALIST

The letters printed below are selected from a collection of manuscripts relating to the efforts of the heirs of Samuel Cornell to recover debts due his estate, recently given to the Library through Howard Townsend, Esq., by the next of kin of Maria L. Campbell deceased.

Samuel Cornell was born in Flushing, New York in 1731*, of Quaker stock, the son of Samuel Cornell and Hannah Doughty. He moved from New York to Newbern, North Carolina, about 1754, where he married Susannah Mabson, and soon became one of the leading men of the province, being referred to by Governor Martin in 1775 as "the most opulent Merchant" in the colony. He was appointed a member of the Council in 1770, and was, generally speaking, a consistent supporter of the royal authority during the troublous times preceding the outbreak of the Revolution, although Governor Martin speaks of him as having been unfavorably disposed for a time, due to the influence of his son-in-law Isaac Edwards, the deputy auditor of the province.

In 1775 feeling in the province became so strong that Cornell felt it prudent to leave, going first to England and afterwards to New York, where he died in 1781. In November, 1777, he obtained permission from Sir Henry Clinton to return to Newbern to settle his affairs and bring his family and household effects to New York. This he succeeded in doing, although Governor Caswell did not allow him to land when he reached Newbern. While in Newbern harbor he transferred his property to his five daughters, and had the deeds recorded, hoping thus to save his property from confiscation. In this, however, he was not successful, as the property was subsequently confiscated by the general act, chapter two, laws of 1779, passed by the Legislature at the October session of that year.

At the close of the war his daughter, Mary Edwards, brought suit in the courts of North Carolina to recover the property deeded her by her father, on the ground that the confiscation acts did not rightfully apply, the property having been transferred before their passage. The suit, however, was decided adversely in November, 1787. Meanwhile Henry Chads in 1784 filed a

* According to the Records of the Society of Friends of New York and vicinity, New York genealogical and biographical record, v. 4, p. 191.

claim with the "Commissioners of inquiry into the losses and services of the American loyalists" in behalf of his wife, formerly Susannah Cornell, and her sisters Sarah, wife of Matthew Clarkson, Elizabeth, wife of William Bayard, jr., Hannah, wife of Herman Le Roy, and Mary Edwards; a supplementary petition was filed in 1788. Compensation to the amount of £50,000 was asked for; the commissioners in December, 1788 granted them £8,300.

The heirs did not succeed at this time in recovering any of the bonds, notes and book accounts due to Cornell, amounting to £22,500. In 1797 they began efforts for compensation from the United States government under article six of the Jay treaty of 1794. They were aided in their efforts by David A. Ogden, afterwards the founder of Ogdensburg, who in May, 1797 had married Rebecca Edwards, granddaughter of Samuel Cornell. Robert Ogden, jr., a distant relative of David A. Ogden, was made executor of the estate and sent to North Carolina to take personal charge of affairs. The letters printed below narrate his success. As a side issue it is not without interest to note that some four years after his arrival, in 1803, Robert Ogden married a daughter of Abner Nash of Newbern, one of the revolutionary governors of the state. He spent the rest of his life in the South, first at Charleston, S. C., and afterwards in Louisiana.

The principal authorities for this account are the Colonial and State printed records of North Carolina, the transcripts of American Loyalist Papers in The New York Public Library, J. S. Jones' "Defence of the revolutionary history of North Carolina," Sabine's "American loyalists," the Rev. John Cornell's "Genealogy of the Cornell family," and W. O. Wheeler's "The Ogden family." Portraits of Samuel Cornell and David A. Ogden together with additional information concerning their families will be found in the works of Cornell and Wheeler.

Statement of the Case of the Heirs of Samuel Cornell

The Subscribers the Legal Representatives of the late Samuel Cornel deceased at the time of his Death a Subject of the King of Great Britain, beg leave to suggest, for themselves, and in Behalf of the Heirs and Legatees of the said Estate, for the Information of the Commissioners appointed in pursuance of the Sixth Article of the treaty of Amity Commerce and Navigation Concluded Between his Magesty and the United States of America —

That the said Samuel Cornel was born in the year Seventeen Hundred and Thirty three at Flushing on Long ISLand his Magesty's then Province now State of New York —

That about the Year seventeen Hundred and fifty four he Removed from New York to New Bern in the then Province, now State of North Carolina, where he Entered into Mercantile Business

That on the Tenth day of May Seventeen Hundred & Seventy he was appointed one of his Magesty's Council for the said Province of North Carolina — that on the Twenty fourth of August Seventeen Hundred and Seventy, he took the Necessary oaths before his Excellency William Tryon Esquire and subscribed the Test in the presence of the Honorable John Rutherford & Robert Palmer Esqr.

That in the Year Seventeen Hundred and seventy five, The Commercial Concerns of the Said Samuel required his presence in the Kingdom of England, that previous to his going to wit, on the Seventeenth of August seventeen Hundred and Seventy five, he obtained leave and permission from his Excellency Josiah Martin Esquire his Magesty's then Governor and Commander in Chief of the said Province of North Carolina, to be absent from his duty as one of his Magesty's Council for the space of Twelve Months. from the Date thereof

That the said Samuel was in England at the time of the Declaration of Independence by the United States of America Viz. on the fourth of July Seventeen Hundred and seventy six

That in the Spring of the Year Seventeen Hundred and Seventy seven he Returned with his Magesty's Fleet from England to the City of New York, then in possession of his Magesty's forces — that on the 22^{d}. day of November Seventeen Hundred and Seventy Seven he obtained permission from his Excellency Sir Henry Clinton to pass and repass with a Flag of Truce to New Bern in North Carolina, to settle his affairs in that Place — That on his arrival at New Bern the fifteenth of December one Thousand seven Hundred and seventy seven he Informed his Excellency Governor Caswell thereof and at the same time Solicited him, for permission to Land — that on the sixteenth of December Seventeen Hundred and seventy seven, his Excellency Granted such permission —

That the Legislature of the State of North Carolina were then in session, at New Bern, that the said Samuel petitioned them that he might be permitted to Return to New York, with his family, furniture, and Household Negroes. as he could not Consistently with a due Regard to his own Feelings, take the Oaths of allegiance and Abjuration required by the Laws of that State —

That on the 25th day of December one Thousand Seven Hundred and Seventy seven his Excellency the said Richard Caswell granted to the said Samuel a Permit to Return in the said Flag of Truce, to the City of New York — Then, in Possession of his Magesty's Troops, and to Take with him his Family. Certain Servants, and Household Goods as particularly Specified therein — on Condition Nevertheless that he should sail from that Port in five Days from the Date thereof, Wind — and Weather allowing —

That the said Samuel arrived in the City of New York in the Begin-

ing of the Month of January in the Year Seventeen Hundred and Seventy Eight that he Resided there till the time of his Death, in the Month of May Seventeen Hundred and Eighty One.

That in the Year one Thousand seven Hundred and Seventy Nine, the Estate of the said Samuel, Both real and personal, in the said State of North Carolina was Confiscated and a Part thereof sold by the Commissioners of Confiscated Estates that the Legal Representatives of the said Samuel, have — Since his Death by the Existing Laws of the said State of North Carolina, been prevented from Recovering the several Debts Particularly Stated, in the Schedule hereto annexed, which were due & owing the said Samuel in the said State during his Lifetime, in Violation of the Treaty of Peace Concluded Between the United Statess, and his Britanic Magesty at Paris 3d Day of September 1783 —

Wherefore the Subscribers pray that a day may be assigned, at which time they will be prepared to Prove the several Facts Contained herein, and to produce such Testimony as May be deemed requisite to entitle them under the said Treaty to full and Compleat Indemnification —

[Endorsed:] Copy State of Case
Submitted 13th Septr 1797
to
Phineas Bond

W. M. Smith to Le Roy & Bayard

Philada Octr 2d 1797

Gentlemen —

Mr Bond has placed in my hands your Statement of a Claim against the United States as Representatives of the late S. Cornel Esqr decd — I have the Acts of the different States in the Union from which the different impediments complained of by British Creditors, originated; the particular Law affecting Mr Cornel is now before me, and I entertain no doubt but that in all Cases where the Debtors are yet solvent, a recovery may be had, unless the Debts were barred by the Act of Limitations previous to the existence of legal impediments in the ordinary Course of judicial proceedings — I forward for your perusal a decision in the Case of a Gentleman named in the same Confiscation Act with Mr Cornel. Your Claim, however, should be filed to the full extent in order to prevent a bar by the lapse of 18 months, the time for receiving Claims; any Suits which it may be thought necessary to commence, may in the meantime be prosecuted, and a complete decision on every item of your Demands may be postponed until those Suits shall be determined. I expect by the earliest Conveyance from N Carolina an authenticated List of all the Debts paid into the Treasury under the confiscating Law, in which I expect many due to Mr Cornel will appear.

It will be necessary to forward a certified Copy of Mr Cornels

Will, together with the several Evidences of the Debts due to him, and wherever the present insolvency of the debtor is the Ground of the Claim there must be produced some reasonable proof that he was *reputed* solvent during the existence of the legal impediments, together with full proof of insolvency at present. Compensation is not to be made for such Losses as would have happened even if no legal impediments had existed —. It will, more than probably, be necessary to collect much of the testimony in your Case from N. Carolina; if so, a personal interview with one of you will be necessary. I spend part of almost every day at a Country Seat 5 Miles from this City, at the falls of Schuylkill, at which place, or at Frankford, or at Bristol, I will cheerfully meet you, to make the necessary Arrangements for filing & supporting your Claim, if you wish to proceed in this Business, before the present alarm which prevents visits to this City, ceases. —

I have the honor to be
With great Respect
Y^r obed^t Servt
Wm Moore Smith.

Messrs Le Roy & Bayard
New York

[Endorsed:] Wm Moore Smith
dated 2 October
rec^d 5 D^o.
ans^d 6 D^o.

We propose meeting him
the 15 Inst at Mr Elroy
in the morning

Directions to be Observed by Robert Ogden Junr Esqr.
as Adm^r of Samuel Cornell dec^d.

1. Mr Ogden after his Arrival in North Carolina will proceed first to the house of Genl. Jones. he resides About 30 Miles this Side of Halifax — Application must be Made to Genl. Jones by M^r. Ogden to become Security for him on taking out letters of Administration if security cannot otherwise be obtained in Halifax —

2. M^r. Ogden will proceed from Genl. Jones to Col. Davie's near Halifax. on his Arrival there he will deliver his Letter to Col. Davie. State to him the Object of his Business. Give him a retainer. And procure his Interest in obtaining letters of Administration —

3. Should the Probate office be kept at Newbern — M^r. Smith will then be the proper person to Apply to As Security —

4. Should Col. Davie owing to his Extensive Business be unable to Prosecute the several Actions to be commenced as the Attorney on record M^r. Ogden will pursue his directions as to the Attorney he is to Employ —

5. As the Most of the debtors reside in the vicinity of Newbern it May be necessary and useful for M^{r}. Ogden to employ Council in Newbern. In such Case he will advise with Col. Davie and retain such as he May Approve of and elect. —

6. Having procured letters of Administration, his next object must be to obtain information with respect to the Several Debtors, their residence, solvency, and if insolvent now, their reputed Solvency on the 3^{d}. of September 1793 —

7. Where proof can be obtained of their reputed Solvency at the Peace viz on the 3^{d}. September 1783. when Legal Impediments existed and of their reputed Insolvency at Present, it Appears from the Opinion of M^{r}. Smith the Genl. Agent, that suits will not be necessary, because the Commissioners on proof of the Debts the former solvency of the Debtors and Present Insolvency. will Award that restitution be Made by the United States —

8. The form of the Affidavit respecting the proof to be adduced of the Solvency and Insolvency of the Debtors, M^{r}. Ogden will have herewith the last Testimony, that the Nature of the Case will admit of. Must be obtained to prove the execution of the Several Notes bonds &. —

9. As soon as information is received of the Solvency of the debtors, Suits are to be commenced in the Circuit Court of the United States provided the Sum due amounts to a sum Cognizable in the said Court viz. Dolls. 500. where the sum is under that Amount it is supposed by M^{r}. Smith that the Commissioners on proving the Debt and the Ability of the Debtors to pay since the Treaty of Peace in 1783 — will award Compensation by the United States without putting the Claimants to the Trouble and Expense of a suit —

10. It is expected that M^{r}. Ogden will as often as once every week or fortnight by letter Communicate his success in this Business, his letters to be directed to David A Ogden Esquire, to the Care of Mess. Le Roy Bayard and M'Evers stating Particularly the Receipts of all Monies &c &c —

11. Should M^{r}. Ogden receive Monies in Halifax due the Estate he will Consult with Genl. Jones in whose hands to deposit the same till an Opportunity offers to remit it. If in Newbern it is to be Placed in the Hands of M^{r}. Nathan Smith and to be shipped to New York Taking a Bill of Lading or receipt from the Captain and Informing us by Post Previous thereto that Insurance may be obtained —

12. M^{r}. Ogden will Inquire of M^{r}. Johnson at Edenton for Bunkum's Bond and Mortgage and proceed in the Recovery of the same as Circumstances may Require and also send us the date and Amount thereof —

13. It will be most advisable for M^{r}. Ogden to bestow his care and attention on the large Debts first, and to write us as soon as possible — particularly respecting every Claim where the Amount exceeds D^{s} 500, stating the Present and former Solvency &c &c together with every other Matter and thing which may enable us to Complete the Memorial for the Commissioners —

14. It will be necessary for M^{r}. Ogden to Call on the Representatives of David Barron and first to procure a statement of their acco^{t}, obtain a View

of their books, Get what Acknoledgement he can, after which it will be most advisable to file a bill in Chancery on the Equity side of the Circuit Court —

15. No Bonds on notes are to be Renewed because thereby the United States will be discharged from their liability —

16. Mr. Ogden is authorized to deviate from these Instructions in such manner as Mr. Smith may point out —

Copy signed
Le Roy & Bayard

New York
2d. Novr. 1797

LE ROY & BAYARD TO COL. DAVIE

New York 27th of November 1797

Dear sir

The bearer hereof is our friend Mr. R Ogden Junr. who we beg leave to introduce to your kind attention and civilities Mr. Ogden has undertaken the management of our affairs in your State and to that end goes down to arrange them, as he will have the honor of explaining to you more fully. Your aid will in all probability be necessary to insure him Success, in which case we hope you will grant it to him, particularly so as we understand you are prosecuting Mr Hamiltons Claims: whose Situation is exactly that of Mr Cornells Estate. It will perhaps be necessary for Mr Ogden to take out letters of administration, as he has already done here, in which case you will most particularly oblige the family in advising and aiding him therein. As Mr Ogden is a Stranger at Newbern, & where we presume he will have to procure much information, we shall esteem it a particular favor, if you will be so good as to furnish him, with such introductions, as may enable him to have a friend to call upon, for aid or advice in case of Necessity. From the decision given by Judge Elsworth in the case of Hamilton, dont you conceive the family might with hopes of Success attempt a Suit for the Recovery of their Landed Estate. We will be glad if you will confer with Mr Ogden on this business, & communicate your opinion to him. We shall be ever gratefull for the attentions you may be pleased to shew Mr Ogden, who you will upon acquaintance find well deserving of them. and in Return, you will ever find us at your Service. With much esteem & Respect we Remain

Your Humble Servants

Dear sir

P. S. Should you become security for Mr. Ogden for the faithful administration of the Estate of Mr. Cornell we do hereby agree to save you harmless from any liability you may be eventually under on that account. As the family who are alone interested, there being no debts, have given him a power of attorney to take out letters of administration on the Estate, of course your becoming a security will be a mere matter of form —

Colr. W. Davie, at Halifax, North Carolina

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

Philad^{a}. Decr. 5th 1797 —

D^{r}. Sir.

I reached this place on Sunday last — waited till this morning for your letter, when I received the same; and have this day seen M^{r}. Smith. He thinks the memorial is right in its present form and I have accordingly signed it. He will forward it to you. M^{r}. Smith advises that where the debts are barred by the Statute of limitations and the debtors are solvent, new obligations be obtained; and further that where the debts are not so barred (being under seal, or not under seal and new promises or acknowlegements are obtained) and the debtors are solvent, suits be commenced in the State Courts for sums under 500 doll^{s} — My instructions direct me to assume such variations as M^{r}. Smith may advise — You will please to write me particularly on these points, and direct your letter to Halifax or Newbern as you may think it will find me. I shall leave this place to morrow morning in the mail stage and proceed in my journey with all the expedition in my power. I send my trunk on in a vessel which sails on Tuesday next for Newbern — of course shall only be encumbered with a small portmanteau containing my papers and a few clothes — I am Sir, with my great regard

Your humb. Servt.
Robt. Ogden Junr.

David A. Ogden Esqr —

[Endorsed:] Robt. Ogden — Junr.
Decr. 5th 1797

Answered Decr. 10th —
Care of Col. Davie
Duplicate sent
to New Bern

DAVID A. OGDEN TO ROBERT OGDEN, JR.

New York Decr 10th 1797 —

D sir —

Permit me to Acknowledge the receipt of Your favor of the 5th Instant the contents of which I have communicated to the parties immediately Interested in the Estate of M^{r}. Cornell — Their Answer I shall state you, for Your future Guidance —

1. When Debts are Barred by the statute of Limitations and the Debtors or their Representatives are solvent, new obligations are to be obtained, with such security as You maybe able to procure —

2. That no suits for sums under what is cognizable in the Circuit Court of the United States, be commenced in the State Courts at Present — You

may however write or call on such Debtors, and if they will in writing or otherwise acknowledge the existance of the Debt, and assume to pay the same, it will answer a Valuable purpose not only as it respects the right to recover against such Debtors, but eventually against the United States; to obtain such Assumption. You may promise them an Indulgence for a short time —

From the Information we may receive from You the Instructions heretofore given may be changed as the Interest of the Estate may require — At present commencing a Number of suits in the state Courts would be attended with great expense, without a certainty of a recovery —

This letter I have directed to You at Halifax to the care of col. Davie. in future, mention where I am to to direct to You, and to whose care —

With sentiments of Esteem

be convinced

That I am
Your Friend
David A Ogden

New York
Decr. 10th. 1797 —

[Endorsed:] Decr. 10th — 1797
To Robt — Ogden Esqr.

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

Richmond Decr. 14. 1797

D^r. Sir

I arrived here very safely on Tuesday last in the evening — after a very slow and tedious journey in the mail stage. I am surprised that the mail travels so slowly. a great part of the time is lost on the road, and this from no necessity whatever. I have yesterday and this morning seen Messrs. Pickett Pollard & Johnston. Am very much indebted to these gentlemen for their polite attention. I have purchased a horse and sulky and shall proceed on to day towards the seat of my business — I find that horses in this place are amazingly high — have been fortunate enough to procure myself one that pleases me very much — a young horse, whose figure and carriage will command a handsome price when our purposes are answered. I shall charge you 150 doll^s. tho' I gave something more 16¾ doll^s. which I shall place to my private acc^t. my own satisfaction in riding a good horse. I assure you Sir it was out of my power to procure a decent horse for less money — my sulky is a new one-piece 72½ doll^s — and will command a sale in North Carolina. I shall dispose of it when I get there as I prefer riding on horseback except occasionally when baggage renders a sulky necessary. I wish you to

make my best respects to Messrs. Le Roy and Bayard and families — Assure them that I shall make every exertion to expedite the business I have undertaken and will certainly observe all due regard to economy in my expenses — I have been *obliged* to draw for 260 doll^{s}. being 60 doll^{s}. in addition to their request. They will excuse the liberty I have taken — My best respects to your Mama & M^{rs}. Ogden — and accept Sir yourself my very great regard — From Sir

Your humb. Servt.
Robt. Ogden Junr.

David A. Ogden Esqr.
New York

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

Hicks's Ford Decr. 17th. 1797 —

D^{r}. Sir

I have seen M^{r}. Cain the overseer of M^{rs}. Edwards' Estate in this place and have endeavoured to learn as much of the Estate as was in his power in a short time to communicate. There are 3000 Acres of land the whole improved ground excepting 2 or 300 Acres of low marshy land which cannot be made to produce any thing and about 50 acres not cleared which is however valuable. Much of the land is poor and requires manuring. There are 12 or 1500 Acres of high ground good for corn and by manure for Tobacco — supposed to be worth in general 20/. 3 doll^{s}. & ⅓ p^{r}. Acre — some of it indeed is worth more — some from the want of manure is worth less — The remainder of the land is low ground *chiefly*, which is the better sort and worth 10 doll^{s}. p^{r}. Acre — some acres perhaps are worth more — M^{r}. Cain supposes the whole tract to be fully worth at the rate of a Guinea p^{r}. Acre — and thinks it would sell to better advantage if divided into 2 or 3 plantations — and indeed I think that 2 or 3 able owners would thrive upon the place, while one perhaps, scattering his strength upon the whole, would by no means do so well. 20/. p^{r}. Acre for the place appears to me to be quite under the value — for indeed the nett profits considerably exceed the interest of that money — and in a growing country the gradual rise of lands should make this a sufficient consideration. M^{r}. Cain returns to the Estate one year with another upwards of £200. doll^{s}. at 6/ — In the year '96 he supposes that he returned £250 — in the present year will probably return £350 — The am^{t}. varies as Tobacco & provisions vary — He produces one year with another after deducting his seventh part and expenses — 7000 ℔^{s} of Tobacco, from 50 to 100 bls Corn, 150 or 60 bush^{s}. Wh^{t}. 3 or 4,000 ℔^{s}. of pork sometimes 5,000 — some oats &c — I could procure an exact account from his books of all he has produced upon the place; but this might be inconsistent with that delicacy with which you would rely on Genl. Jones, and if so we will think no more of it. I suppose I must be exceedingly cautious in what I say of this Estate when at the General's —

But I have something further to communicate to you which I consider as materially affecting this Estate. Enquiring, as has been my custom in passing thro' the different towns on my route, of the advantages of this place and improvements that might be made &c, I learned that a bill is now before the Legislature of this State for laying out and establishing a town in this place to be called Belville, and as soon as this is passed another will be presented for the opening of the Meherran River from the Bridge at this place to meet the navigation at Murfreesborough. Instead of land carriage 45 miles to Petersburgh thro' very heavy roads — the produce of the place may then be taken by water to Albemarle Sound. In confidence of this the representative from this place has given 130 doll^{s}. for a q^{r}. acre lot with a trifling building on it worth 50 doll^{s} — Another lot a little larger with a building about as valuable will be sold for 200 doll^{s}. and in expectation of this one of the gentlemen concerned in the speculation wishes very much to purchase about two hundred acres of M^{rs}. Edwards' Estate lying immediately on the River — he offered 20/. but I find from his own acc^{t}. [th]at he values it much higher — The Gentleman who offered to purchase the Estate some time ago at 20/. is to be one of the Company for opening the River and I suppose waits the event of this business before he concludes the bargain — but Sir would it not be proper for M^{rs}. Edwards to wait a little herself? Owners of land here are very sanguine in their expectations and think their property will take a very great rise — M^{r}. Pickett I believe has had leave to sell the land for 20/. I shall take the liberty to acquaint him with this intended speculation and request him to wait a short time for further advice from M^{rs}. Edwards — If I err in this — you must excuse me — My best respects await the family and with

Affect^{e}. regard
I am Sir
Your friend
& humb. Servt.
Robt. Ogden Junr.

P. S. My horse proves to be a very good one, very handsome & gay but perfectly gentle, an excellent saddle horse and performing well in the sulky. I do not know whether I ought not to have furnished myself with a horse and sulky as necessary to qualify myself for the business I undertook, and charge only the expenses of my horse while engaged in the business — If so, you will please to consider me in advance of salary —

Yours &c
R. O. J^{r}

[Addressed:] David A. Ogden Esqr
Counsell^{r}. at Law
New York

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

Halifax N C. Decr. 19th 1797

My dear Sir

I arrived at Genl. Jones's seat the evening before the last. After losing myself among the neighbouring Pines and wandering in the dark till I luckily found a poor hut (discovering it by the barking of a dog ill-natured in him, but happy — for me) where I hired a guide to the Gen^{ls} — It was half past seven when I arrived. Stepping up to the door I gave a gentle tap — a confused running was instantly heard —the voices of myself and guide were overheard — A person came to the door I believe it was M^{rs}. Jones the Genl. happening to be from home. Who's there — friend. Who are you — friend — What are your names. My name is Ogden Ma'am (and a very good name it was to me at this time) I bring letters to M^{r}. Jones from Messrs. Le Roy and Bayard of New York — here a short silence ensued. the running was again heard. They thought I was the very M^{r}. Ogden who had married Miss Edwards, and presently the door was opened by a young lad — the grandson of M^{r}. Jones, with the sword in his hand which in the first fright of the family, he had taken up — I entered, was very sorry for the alarm I had occasioned. explained the cause of my late arrival — and was very politely treated. M^{r}. Jones was at Halifax with his son in law Judge Sitgreaves who was dangerously ill. The next day M^{rs}. Jones and daughter went on to Halifax and I accompanied them. we found Judge Sitgreaves fast recovering — I here became acquainted with Genl. Jones — he is certainly a very worthy man and has sincerely a very great regard for the family in whose business I am embarked. I am under obligations to him for his kindness to me. Col Davie is not at home and will not be till the 15th of next month. I go on to day towards Newbern where I shall see M^{r}. Smith — procure as much information as I can of the several debtors their situation &c and have the business placed in such a train of expedition as M^{r}. Smith may advise or its nature will admit. and about the 15th Jany. see Col. Davie — I find from the opinion of Genl. Jones and Judge Sitgreaves that this *Actual Insolvency* which the Genl. Agent thinks necessary must be proved by record. suits must be commenced prosecuted to Judgm^{t}. and a return of Nulla bona made. I must be advised in regard to this particular. I suppose I may be directed herein by the Counsel of Col. Davie or M^{r}. N. Smith. Pray how long will the Commissioners sit? I am afraid they will rise before all this can be completed — With best respects to the family

I am D^{r}. Sir Very Affect^{ly}
Your humb. Servt
Robt. Ogden Junr.

David A. Ogden Esqr.
N York

DAVID A. OGDEN TO ROBERT OGDEN, JR.

Dr sir

Your several favors written at Richmond Hicks ford and Halifax have been duly received. permit me to thank you for your Attention to the Business of Mrs. Edwards and the Information You have Communicated with respect to the Value of the Estate in Virginia — Since the Receipt of Your Letter we have Received an offer for the Plantation of 10000 Dollars — ⅔ Cash. the Residue to be paid in one year. the punctual payment of which to be secured by a Deposit of Continental Securities — This offer we have agreed to accept notwithstanding the favorable Account you give of the probable rise of the property. under the impression. that it is better to sell for 10,000 Dolls on the above Terms. than 15,000 on a Credit —

I have Inclosed you a Copy of a Letter this day Received from Mr. Smith. if his information & opinion is Correct. which I am Induced to think is the Case. You had better pursue the directions contained in this Letter — You will however recollect that the stat. of Limitations does not destroy the Debt but merely the Remedy — Therefore whenever a Debtor by assuming the Debt. promising a settlement or payment takes it out of the stat. of Limitations — I am led to think in Case of the Insolvency of such Debtor the United States would be Liable to pay —

You will Receive a bond Inclosed due the Estate of Mr. Edwards. from the Excrs. of Jacob Blount decd. Mrs. Edwards took out Letters of Administration on the Estate of her Husband in North Carolina. it is my wish that you write the Exrs. and if they refuse payment put the bond in suit —

I am preparing to leave this place for Albany. and have not leisure to write you as fully as I Could wish. on my return to New York I shall Expect Letters from you. when I will devote the first spare Hour in a Reply —

New York
Jany. 10th 1798

Yours &c
David A Ogden

Robt. Ogden Junr. Esqr.

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

Halifax (N C) Jany 24th 1798

My dear Sir —

Since writing to you last I have been on New Bern — advertised. obtained information of most of the debtors and have applied to some of them particularly those owing to the largest amt. Blacklege & Singleton alledge that they are Insolvent — but will oppose no obstacles to our claim provided they are not to be distressed thereby or in other words if a return of the Marshall of nulla bona on the scire facias will be a sufficient proof of Insolvency without obliging them to be imprisoned on the Ca: Sa: and swear out. Genl. Davie whom I have at length seen is not able to give a positive opinion in regard to

this particular and I have therefore addressed the question with some others depending also perhaps on the rules of the Commissioners to M^{r}. Smith in Philad^{a} — M^{r}. Singleton talks of being able to defeat the Interest on the debts due from him by a tender to M^{r}. Cornell when in this Country. and also the claim for rent. I will learn the precise objection in respect to this last particular and state it to you in my next with the validity we think it bears — At any rate it will be of the highest consequence that we be not obliged to bring a personal distress upon these men. I have not yet been able to obtain a view of the papers and Acc^{ts}. of David Barron's Estate or do any thing therein — but shall renew my application to the representatives immediately on my return and shall persist until I accomplish something —

In some few cases of small sums I have had a promise of payment without suit. but I imagine little will be paid but after process of law — In regard to the smaller sums or sums under 500 doll^{s} — Genl. Davie thinks they may without doubt be recovered in the State Courts — of this you had better write to him — and as to those barred by the Statute of limitations M^{r}. Blacklege thinks he would be able to renew the most of them — it would be expedient perhaps to employ him for this purpose — a great am^{t}. of the debts is in their situation.

Genl. Davie wonders why these debts have not been sued for sooner — in a few years they would probably be lost from length of time merely. He fears it will be difficult to prove any other legal impediments than the Acts of Assembly of confiscation. And the Case of Hamilton vs Eaton seems to show that notwithstanding those Acts a recovery could have been had — We shall be obliged to rely he thinks on these Acts and others from time to time claiming the debts due to British Creditors as the property of the State, and the general received opinion that they were therefore not recoverable. I have mentioned this also in my letter to M^{r}. Smith. Genl. Davie will give me his opinion in regard to the real estate hereafter. I have been up to Mount Gallant to see Genl. Jones — and get what money he had on Acc^{t}. of Stanleys estate. I found he had none — he paid the last money due, by bills of Turner & Cutting sent by Post. I will give you in my next an Acc^{t}. of the rec^{ts}. & paym^{ts}. as appearing on his books. I am very much pleased with the Genl. — find he has a very great regard for the family of M^{r}. Cornell — M^{r}. Smith has disappointed me in the money I expected from him. has however written to Genl. Davie and assured him 200 doll^{s}. on the first of March next — This sum when paid must answer at any rate till we see how we are to succeed. I sh^{d}. think indeed that his Costs w^{d}. make it enough — but he will not think so perhaps —

I am Sir with greatest regard
Yours &c
Robt. Ogden Junr.

I go immediately to New Bern. please to direct your letters there.

[Addressed:] David A. Ogden Esqr
New York

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern Febr^{y} 22^{d} 1798 —

Dear Sir —

Your letter of the 10th of Jany last I have this week received — I have here given you an Acc^{t}. of Genl. Jones' rec^{ts}. of monies on Stanley's bond and his payments of the same — as transcribed from his books — The bond of M^{rs}. Edwards enclosed in your letter shall be attended to without delay — Your idea expressed in your letter of a new assumption, as taking a simple contract debt out of the Stat. of Limit. and therefore in case of Insolvency grounding the claim agst the United States — is without doubt, correct — but where is our remedy where the debtors are solvent and will not commit themselves on any new promise, or acknowlegement of the debt? Pray read M^{r}. Smith's Genl. letter of Instructions again and tell me if he does not suppose *the loss of legal remedy from lapse of time*, one of the grounds of our claims agst. the United States — but then, how can this be reconciled to his particular directions to me, to obtain new promises &c and bring suits upon them. Genl. Davie has this doubt. as well as myself — In regard to our claim agst. the Estate of David Barron, the representatives will not I believe oppose to us any obstacles or delay in establishing the same. I am advised to proceed agst. them in chanc^{y}. — and have their books &c produced — These I have been able at last. to see — they will no doubt prove a balance in our favor very considerable. I have been lucky enough to obtain the balances on all the Genl. Acc^{ts}. except the one of profit and loss — which till this moment did not occur to me. I will take the first opportunity of ascertaining this — I can easily effect it — I fear there will finally be deficiencies in the proof of our Acc^{t}. These I will inform you of particularly in my next — first consulting my Counsel hereon — M^{r}. Barron's Estate will not be solvent to the Am^{t}. of our balance agst. it — Indeed the representatives tell me — there are suits already brought on bonds. which must take the whole — In this Case I shall meet with less opposition — With best respects to the family

I am Sir Your humb. Servt.

Robt. Ogden Junr —

Messrs. Le Roy and Bayard in Acc^{t}. with Allen Jones — C^{r}

	Doll^{s}.	Cents
By Am^{t}. of the Judjm^{t}. agst. Estate of J. Stanley dec^{d}. obtained in — 1792 —	1389.	77
— Intst. to Jany. 1796 —	333.	52
D^{r}	1723.	29
[*Carried forward, D^{r}*	*1723.*	*29*]

[*Brought forward, D^r*	*1723.*	*29*]
To paym^t. then made by bills of Turner and Devereaux sent by Post	770.	—
bal. due	953.	29
Int^st. to June 1st. 1796	23.	80
C^r	977.	9
D^r		
To paym^t. then made by bills of Turner and Cutting sent by Post	977.	—
by Bal. due C^r		.9

[Addressed:] David A. Ogden Esqr.
New York

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern (N C) March 15th 1798 —

Dear Sir

Your letter of the 20th Feby last I have this evening received — I perceive you had not then gotten my last letter in which I believe I acknowleged the receipt of yours which enclosed the bond of Jacob Blount to M^r. Edwards — It was indeed with the greatest sorrow and regret that I saw in a New Jersey paper an account of the death of your worthy father — Permit me to console with you in this affliction — Your philosophy and your religion will undoubtedly lead you to compose your mind with becoming resignation — I have nothing at this time of particular importance to communicate — The Circuit Court not being to be held till June next the commencement of any actions has been postponed by the advice of Genl. Davie until after the sitting of the Superior Court in this County, which will be on the 19th. of this month — when I shall have acquired all the necessary information — and shall again have an opportunity of conferring with Genl. Davie — The business will then be prosecuted without delay — Many of the debtors have promised not to prevent my obtaining judgment as soon as the course of the Court will permit. You mention in your letter that the 18 months allowed for the receiving of claims will soon expire — pray tell me how soon or in other words from what date these 18 months began to run? how long the Commissioners have yet to sit — and whether the time for receiving claims could not be opened if we should find the situation of our claim to require it? I wrote to M^r. Smith the 26th. Jany. last — stating this and some other important enquiries in regard to doubts which occurred to Genl. Davie as well as myself — I hope yet to receive his answer —

I do not apprehend much difficulty from Blacklege and Singleton — having gotten them I believe pretty well disposed — nor do I expect any great opposition from Barron's representatives I have established myself on a good footing with this family — and by the exercise of a little gallantry, which I will hereafter amuse you in explaining, I flatter myself I have conciliated their favor — I soon obtained a sight of their papers and books and took an Acc^{t}. of the balances in all the gen^{l}. Acc^{ts}. except that of profit and loss which escaped my notice not being myself a merchant — My Att^{y}. told me I had been more fortunate than he expected — I have since however obtained the balance on the Acc^{t}. of profit and loss — We shall proceed on this claim immediately — the action must be in chanc^{y}. and a bill filed for production of papers &c but admitting Sir that we meet with no opposition here, our claims must be *proved* — and I fear we shall not have proof for all our charges — The two first charges which are for M^{r}. Cornell's half of the Stock may perhaps be supported by the articles of copartnership — as these state that the parties had put 2593 £ St^{g} into joint Stock under the management of Barron — and as Barron received it he must no doubt be accountable — In regard to the chargs respecting the balance of Cruger & Mallard — the am^{t}. of this balance may indeed be ascertained from the books in the possession of M^{r}. Barrons representatives — tho' this am^{t}. does not appear to be quite so great as we have stated it — and to prove the payment of this we have only a letter of M^{r}. Cornell to Cruger & Co. promising to pay &c — This letter seems to be only an original draught to which the signature was not completed and whether a copy was ever made out and sent does not appear — I find no acknowlegement of its receipt — It is true we have a number of Acc^{ts}. rendered — but none carry any receipt — the bonds payable to Gilson and C^{o} — being in the possession of M^{r}. Cornell's representatives with a general receipt indorsed, is presumptive proof to be sure that they were satisfied by M^{r}. Cornell or his representatives — and without proof to the contrary will perhaps suffice — Of the other charges I find no evidence — Why should the credit of £345..13-7 St^{g} which it seems was in part of the bonds be again charged to Barron after he had been previously debited with the full Am^{t} of the bonds? In regard to the am^{t}. of profits of the copartnership — we have proof only of the first year's — from a statement in our possession probably made out by M^{r}. Barron in pursuance of the articles of copartnership. which statement, by the way, perfectly agrees with one for the same period, among the papers of M^{r}. Barron's Estate — for the remainder of the time — I fear we shall be obliged to rely on presumption taking into view the increase of stock and probable extension of business &c — The Acc^{t}. of profit & loss — on the books — from 15th. June 1774 to 9th. Ap^{l}. 1778 — carries such a trifling balance that I suspect it will not shew the whole am^{t}. of the profits — this balance being only £919.0..5 — I feel that I am no merchant — but I should indeed suppose that this Acc^{t}. if accurately kept ought to shew the whole Am^{t}. of the gains of the trade — However, we shall know something more about this business when we receive their answer to our bill,

and come to investigate the books and papers more particularly — what deficiency of proof then appears; I will immediately state to you —

I have found one honest debtor — who has paid me the am^{t}. of his debt — 107½ doll^{s} after deducting six y^{rs} Intst. which deduction I am told the Courts will insist on, on Acc^{t}. of the war — I shall obtain a decision in regard to this point in some amicable suit before I proceed further, the record of which will probably oblige the Commissioners to allow us for the same — Of this money — I have paid 60 doll^{s} to my Att^{y}. and Counsel in New Bern — It will be necessary perhaps to give him something more — not however till further services are rendered and more money is received — I have thought it proper to give him an expectation in the mean time, of some addition to this fee — I shall probably add 40 doll^{s} — and if we should succeed well I must take your advice whether any and what further fees will be proper to be given. I did indeed think that 200 doll^{s} to Genl. Davie was enough — It is disagreeable for me to be obliged to use a discretion in regard to this matter — I will let you know what expectations the custom & practice of the Country authorize and pray your directions — In the claim agst. the Estate of Davis I have obtained sufficient acknowlegement to take it out of the Stat. of Lim^{s} and believe I have done the same in the claim agst. Hatch & Bryan, the first of these is for a sum above 500 doll^{s} — the other above £100 — I must close my letter or I shall be too late for this week's post — With esteem & respect

Your friend &c
Robt. Ogden Junr.

[Addressed:] David A. Ogden Esqr —
New York

Robert Ogden, Jr. to David A. Ogden.

Ap^{l}. 4th. 1798 —

Dr Sir

Applications have been made for the purchase of M^{rs}. Edwards house in this town and the lots adjoining — also of the single lot near the Court house — M^{r}. Smith does not consider himself sufficiently authorised to sell — at his own discretion and waits for further direction From all I can learn the house and its lots are worth 4,000 doll^{s} and from their remote situation from the center of business could not perhaps be sold for much more. The lot near the Court house is thought to be worth 700 or 750 doll^{s}. — indeed 400 doll^{s}. have been once offered for the half of it and the remainder w^{d}. soon perhaps sell as well. If M^{rs}. Edwards inclines to sell — it would perhaps be best to sell the house and the one lot on which it stands first and separately — the other lots would soon perhaps command an advantageous sale — one of them is valued very highly — would probably sell for 7 or 800 doll^{s} — In regard to M^{rs}. Edwards plantation it could now be sold for

very nearly its worth, and it is the opinion of Mr. Smith and others that the negroes on it would yield a greater profit to their owner if hired out —

I am now on my way to Wilmington to see the representatives of Mr. Strudwick and *try* what can be done in regard to our claim against Hortler's estate — it is on a protested bill of exchange and I find we have no proof of the necessary notice &c As the sum however is large — I have thought proper to make use of every effort in my power to obtain it — and shall indeed be glad if by any management of mine, this can be done. Mr. Horter [sic] is said to have left some estate — I shall see the Exr. however and if the estate is in such a situation as to be reputed insolvent I may succeed in getting the debt. We have issued several writs retble. to the next Circuit Court, and shall soon be able to issue the others for the sums cognizable in that Court. Several of the debtors have agreed with me to have their actions placed on the [docket?] for trial immediately — and [I] believe I may assure you that the business of the estate will be conducted with all the expe[dition] its nature will admit of. I cannot detain the post any longer — and must bid you adieu till the next post — I am surprised that Mr. Smith at Philada. has not yet answered my letter from Halifax — I must communicate my doubts to you — by the next post if Mr. Smith does not before remove them — In a great hurry I am Sir with very great regard

Your humb. Servt.
Robt. Ogden Junr.

[Addressed:] David A. Ogden Esqr.
New York

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern 1st. May 1798 —

Dr. Sir —

I send you this by Captn. Bartlet who sails tomorrow for New York — I am very sorry Sir — that I hear so seldom from you. It is now upwards of six weeks since I have received any letters — I have written three times I believe since that, and have waited with no little anxiety for your answers. As far as the principles on which the Commissioners will act, are established and become known it is undoubtedly proper that I should know them — I have at length been able to ascertain the time limited for the receiving of our Claims — In looking over some files of Newspapers — I find it will not expire till the 29th. of Novr. next. This has relieved me from an uneasy apprehension that I should not be in time with the memorial.

I shall be able I believe to transmit you the necessary information to complete this, early in June next. The proofs hereof well may enough perhaps be forwarded as soon thereafter as they can be procured. What these should be, still remains to be determined. In cases where the debtor is known to have no property at all, and there will be a *few* cases of this kind, a deposi-

tion to this effect accompanying the proof of the debt together with proof of Solvency in Septr. 1783 will perhaps avail before the Commissioners — In such cases it seems to be the opinion of M^{r}. Smith in his letter, the copy of which you sent me, that suits need not be bro't. but where the debtors have property to a partial and uncertain extent, I should imagine — and have proceeded according to this belief, that suits must be bro't, judgments obtained and the property taken by the Marshall as far as it will go, and the deficiency as proved by his return, then claimed agst. the United States — This however will require a longer time. In some cases I may by amicable adjustment obtain judgments in June — in others I cannot till Novr. next — and in some I fear not till the term after.

It appears to me that there are two grounds on which we may hope to avoid any loss from this delay — first. that the memorial may in the first instance perhaps be presented in the abstract reserving some unavoidable blanks to be filled up as soon thereafter as possible and second — that the Commissioners have a discretion to open and extend the limitation as circumstances may require. How far this may be necessary — or whether necessary at all — I shall know with greater certainty at Raleigh in June next.

I should be glad to have a copy of the memorial as already made out. noticing it particularly I may be better prepared with the necessary proofs to support it. It will also suggest to me perhaps the nature and extent of the oath, if any, which is to accompany it. Of this I wish to know — particularly how far it may contravene in regard to the am^{t}. of the debt, any admission of the debtor, which which [sic] he may be willing to make — or am^{t}. which agst. an Insolvent debtor may be legally proved — After all that can be recovered — the estate will be loser to a considerable am^{t}. from the want of legal proof — and from other circumstances which do not lessen the justice of the claim. I have other things to communicate which must be reserved for the Post tomorrow — Shall then give you an acc^{t}. of another small debt received — and of expences &c

In haste — I am Sir
with best respects to the family
Your humb. Servt.
Robt. Ogden Junr.

David A. Ogden Esqr —

In regard to our claims agst. Blackledge and Singleton. the first is Insolvent without doubt. — the other has property to a considerable am^{t}. and feels himself obliged therefore to lessen the claim as much as possible. I fear it will be in his power to do it to a great degree — the tender he will no doubt prove in some way or other, and unless we can shew a demand and refusal since, it must stop the interest — As to the rent — the lease was indeed before the confiscation of the property took effect — but this at any rate can only save the intervening time — which is one y^{r}. nearly — The

rent is claimed on a sealed agreement signed by B & S — reciting that they had "hired and rented" &c. The question here is — can this instrument work an estoppel in the same way as an Indenture does distinguished from a deed poll? — see in Espinasse — It has been decided in this County on a bond for rent that the Issue might shew no enjoyment under the lease &c. The doubt therefore which must here occur — added to the consideration of its being due to one of the daughters of M^r^. Cornell makes this part of the claim rather uncertain and should I succeed ag^st^. M^r^. Singleton his property is so covered that it will be impossible perhaps for me to get at it, and will yet be under such suspicious circumstances as being afterwards represented will endanger our claim ag^st^. the United States. On the whole then, it may be prudent enough to take a Judgment for the whole ag^st^. Blacklege who will be found insolvent without doubt and is perfectly willing to bear all — to save appearances I may take a judgment ag^st^. Singleton to some certain am^t^., which will be between us — he tells his friends that he dislikes to have a Ca: Sa always hanging over him — and that he will make an effort to pay what I can prove ag^st^. him. No person knows anything in regard to the am^t^. due from each or either — and their interest and ours is the same in this respect — The business might therefore be safely managed in this way so as to get the whole of our demand. I believe it would be *honestly* done. if I thought otherwise I should be sorry to attempt it. if you think otherwise I shall certainly forbear. and therefore proceed in such a manner as to leave it in my power to act as you should nevertheless think safest and may immediately advise — It will be necessary for you to put aside the copies of the bonds &c ag^st^. these debtors, that they may not for any purpose go forward — I rely on your candid representation of the oath to be taken &c — Should Captn. Bartlett arrive soon. I may receive your letter before June — pray direct a duplicate to Raleigh —

Yours &c
R. Ogden —

[Addressed:] David A. Ogden Esqr —
No 68 Broadway
New York

The fav^r^. of
Captn. Bartlett —

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern 2^d^. May 1798 —

Dear Sir —

Another mail this evening arrives without any letter for me — Your letter of the 20th. Feby. is the last I have received. I have written several letters since that time — As far as the principles of the Commissioners are established and become known it will be necessary for me to know them —

In June next I expect to have many principles established — particularly in regard to the Stat. of limitations — and an abatement of six years interest on account of the war, the first of which I must know before I can with safety bring actions on open accounts — and the other before I can with safety receive monies and make such abatement. I expected to have had a decision on these points from the Superior Court of the State — but have been unavoidably prevented —

Mr. Blacklege has a list from me of debtors on simple contracts and will exert himself in getting new promises or acknowlegements — It will not perhaps be prudent to risk any actions on these debts (excepting such as Blacklege may secure) until after a decision on the principle — For the debts under seal and below 500 dolls suits will be prosecuted in the Superior and County Courts — according to the sums cognizable.

You observed that care must be taken here that the debtors are solvent. Where they are entirely insolvent, having no property at all, it may not be necessary or proper to bring suit, but where there is property to a partial and uncertain extent — will not the claim for the deficiency as proved by the return of the officer on the execution — be the same as if the proceedings had been in the Circuit Court?

Immediately after the term at Raleigh I shall be able to write you more fully and satisfactorily on the situation of the estate — I shall there see Genl. Davie for the second time, and shall see what steps have been taken by others on similar claims — I shall there see men from all parts of the State, and from these may acquire all the information that is yet wanting. I shall then be able without doubt to furnish the materials to complete the memorial as required — that is, if they can be furnished before the suits brought are prosecuted to execution. In regard to this — I have expressed myself more fully in my letter of yesterday sent by Captn. Bartlett.

I wish you to consider how far the circumstance of Jacob Blount being named Exr. in the will but having never qualified — will affect our claims agst. his estate. This will be urged against us — The time I have for this letter will soon expire — I will therefore finish it with an acct. of monies received and of expences — I wrote you I believe Sir of the money recd. of Adam Tooley and of the manner in which I settled that debt. Since which I have recd. 25 dolls. 47½ Cents being the amt. due after deducting 6 yrs. Interest on note of John Taylor — you will observe the credit of 8 bls Turpentine at 15/ — soon after the date of the note — which was overlooked in the calculation made in New York — Also 50 dolls on note of Christopher Rispess —

I mentioned before of my paying Thoms. Badger Esqr. for Counsel and services retained — 60 dolls — since which I found it necessary to add 40 dolls — In the absence of Genl. Davie, at a time when advice and assistance was most wanted — and Mr. Badger engaged in much business — I found I had not sufficiently interested him — the addition I thought was proper and timely —

My expences, merely such as would be chargeable in coming to this place — and afterwds. going to Halifax, Wilmington, Washington &c to this day, amt. to 95 dolls. My expences for board and housekeeping, (exclu-

sive of washing which belongs very properly to my private acc^{t}.) will be at the rate of 20 doll^{s}. the month or 240 doll^{s}. a year — I am very particular in keeping an exact acc^{t}. of every shilling expended. and for what purpose — I shall have it in my power without doubt to afford satisfaction in this respect — It may perhaps be proper that I should give you an acc^{t}. at stated periods — setting forth particularly the items of expence &c — I send this by the Post — Shall have a private opportunity of writing tomorrow which I will not omit. With best respects to the family —

I am Sir Your humb. Servt.
Robt. Ogden Junr.

[Addressed:] David A. Ogden Esqr —
New York

D^{r}. Osborn will
please to lodge
this in the post
office to be for-
warded — in case
he makes any stop
in his journey to New York —

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern 4th. May 1798 —

Dear Sir

My letters of the 1st. and 2^{d}. Inst^{t}. I hope you have received — It was hardly supposed that I should be six months in the Country and not be able to collect 200 doll^{s} on the debts of M^{r}. Cornell — but so it is — the am^{t}. of monies rec^{d}. you had in my last — by which it appears, that public notice and personal requests are not quite so good as the power of a Fi: fa: would probably be to induce the payment of old debts — I hope however to get enough to keep the business in progress — With so many bonds &c I should be sorry indeed to draw for more money than has been already advanced — it shall not be done — M^{r}. Sparrow has promised to take up his note some time this month — The heirs of George Bell also are going to discharge that debt without suit — and have promised to make me up 100 doll^{s} or more before June. On their paying a proper part of the debt — and giving good security for the rest in a reasonable time — it may be proper to stay proceedings agst. them — I shall act with the greatest care [ ] these cases — and where the United States may be liable in whole or in part shall do nothing that may release them — The more I consider of the Stat. of limitations — the more I fear its operation — You have never averted to the short period fixed in this State I am afraid — It is only 3 y^{rs} where under our laws it is 6 — So that most of the debts resting on notes unsealed &c were barred before M^{r}. Cornell's death — In regard to Insolvents two questions

will occur — which I need only state — whether a new promise will revive the debt agst. the United States (I believe you think it will) — and whether, when the debtor is gone to parts unknown or dead and left no representatives to make such promise &c. the United States would admit proof of a claim which had been barred and not revived — for myself I should think they ought — as a Court of law is not supposed to be obliged to take notice of this Stat. as they are of others that are general —

If the operation of the Statute should in these Courts be prevented — how am I to prove the debts claimed on book Acc^{t}. — It may then be necessary to have the books — Of this however hereafter — I wish you to look Sir — if there are any credits to W^{m}. Orme on the books — It is on his part indeed to shew them — I imagine however that he is mistaking. and I should like to have it in my power to satisfy him — I believe I have communicated my doubt how to proceed where the Debtor is known to be in an other State. In regard to John Jones in particular — he is in Philad^{a} and solvent — The Case of these British debts as they are called — being *sui generis*, and in a great degree referred to the discretion of Commissioners — questions arise which the lawyers here are backward in deciding. Shall write by the next Post what further occurs — And am Sir, with best respects to the family

Your humb. Servt.
Robt. Ogden Junr.

David A. Ogden Esqr —

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern 17th. May 1798 —

Dear Sir

Since my last letter, I have seen Genl. Eaton who will settle his bond without suit subject to the decision of the Court in regard to the am^{t}. of Interest. He has promised me a payment perhaps of 200 doll^{s}. before the first of June. He is perfectly solvent and an amicable settlement is in this instance to be preferred — William Orme will also settle his bond without suit — the greater part of the debt to be paid in Decr. next — and the rem^{r}. secured to be paid in June following — In these two instances there can be no danger in this proceeding — I shall however in all such cases endeavour to guard against any delay, or a discharge of the United States which might thereby be occasioned — I shall also get from Mr Singleton the Am^{t}. of the debt due from Richard Blacklege Senr. in a few weeks — So that I hope before long to be able to remit you at least to the am^{t}. of money advanced — It is now a very long time since I have received any letters from you — Your answer to my letter by Captn. Bartlett I shall be obliged to anticipate, and supposing you to be willing that our claims agst. Blacklege & Singleton should be so *adjusted* as best to promote our recovery I shall make the arrangement suggested to you in that letter — subject however to any correction that may yet appear to be

necessary — There can be nothing *here* to prevent its complete success — the *prudence* of persons *interested* may be relied on — and unless there should be something in the close of the business and in the presenting over of the claims to contravene my present impression I should think I had done no more than availed myself of the only practicable way of obtaining a just debt — my reasons for this last particular, in my letter before referred to — If this letter reaches you, it will suggest to you the propriety of sending me copies of the letters you may have written since February 21st — mentioning also, the letters you have recd — I fear our letters are intercepted — I have hopes however that the next Post will remove my anxiety in this respect.

I am Sir
with greatest regard
Your humb. Servt.
Robt. Ogden Jr —

[Addressed:] David A. Ogden Esquire
New York

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern June 21st. 1798 —

Dear Sir —

Your letters of the 20th. & 31st. ultimo have been duly received — also the two pamphlets accompanying the latter. I hasten to make you by the returning post an answer to the same. Your opinion and reasoning in regard to the operation of the Stat. of limitats. I think very correct. I had before entreated my Counsel in New Bern Mr. Badger to urge this opinion in the Supr. Ct. of this State and to strive for a favble. decision notwithstandg. the received opinions to the contrary — I had written to Genl. Davie to have this question and the one in regard to the abatemt. of Intst. settled at the last Supr. Ct. for the district of Halifax — for the want of a full bench this was not then done. The points we wish to establish in regard to these two particulars shall be strenuously urged at the next Supr. Ct. for this district — and in regard to the first — in the Circt. Ct. also; it being yet undecided there. In the meantime we shall without doubt be apprised of the determinations of the Commissioners in these respects. It is unfortunate that we should be so long left in the dark in regard to the principles which are to govern the Commissioners in their decisions — I am glad however to hear that the reasoning of Mr. Smith is likely to be acceded to. It is certainly very just and ingenious — In regard to the decisions which have been had in the Cts. of N C. on British claims — Personal bonds the Circt. Ct. has determined that Intst. shd. not be recovble. beyond the penalty — and in this Mr. Hamilton and others have acquiesced — This decision is certainly contrary to law, and unless the Commissioners will probably allow the remainder of the Intst. an appeal in my opinion should be taken — Mr.

Smith in his reply seems however to urge that such a delay was not contemplated in the Treaty and I hope his idea may be embraced by the Commissioners — On single bills and sealed notes the same Court has directed the Jury to find the whole am^{t}. of Intst. The Juries however have made 6 y^{rs}. abatement to wit from July '76 — to July '82 notwithstanding —

In the Sup^{r}. C^{t}. at Halifax the C^{t}. and Jury have both agreed in making this abatement. and further that on notes pay^{ble}. on demand no intst. shall be recov^{ble}. till after demand made — The money is also scaled in all the C^{ts}. according to the Act ascertaining the depreciation &c — As to our claims agst. Blacklege and Singleton I believe that we cannot well make any amicable adjustm^{t}. — The utmost prudence sh^{d}. certainly be observed — You will observe that the greatest part of the claim rests on an unsealed note — and may easily conceive how desirable a favorable settlement appeared to be. I hope yet however to have this business placed in a proper train to succeed at law. An acknowleg^{t}. I hope may be had.

I am sorry to inform you of the inexcusable delays of the Marshall of this State & his deputies. They are universally complained of — I cannot expect to have obtained judgm^{t}. on *all* our claims till June next. I shall then without doubt have the debts sufficiently ascertained and secured — I am happy that in a business of so much difficulty and importance I have not yet committed myself on any fatal error or neglect. and think I may safely assure you that the strictest and best regard shall be had for the Interest of the Estate — My integrity is at this day my only dependence — The memor^{l}. in time.

Yours &c Robt. Ogden J^{r}

[Addressed:] David A. Ogden Esqr —
New York

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern 1st. Augst. 1798 —

David A. Ogden Esqr —

My dear Sir.

Enclosed you have a schedule of the debts due the Estate of M^{r}. Cornell in which I have endeavoured so to arrange them as to shew at once the several grounds on which our claims against the United States may be substantiated — It will be remarked that in regard to the same debt we may in many cases claim compensation from the United States on different principles — Either the voucher may be such as to be rejected by the Courts in North Carolina tho' evidently against the Treaty of '83 — or the debtor in the same case may have become Insolvent or removed to places unknown or is dead and his estate dispersed so that nothing can be recovered, or further our claim on the same debt may still be good for the am^{t}. of Interest deducted or which would be deducted according to the decisions of the Courts and the loss arising from

depreciation of Currency. I have thought it proper therefore to present the claims in such a view as to shew the several grounds of compensation on which each may be placed — leaving our recovery to depend on the establishment of principles by the Commissioners and such proofs as we may be able to apply to the several cases. As to those debts on which a recovery to the full amount cannot be relied upon with any certainty — it is no doubt necessary that these should be stated in such a manner as to leave open any further claims which may arise thereon —

You are doubtless surprised that I have not discharged my duty in this particular long before — It was my wish to do it much sooner — but besides the difficulty of procuring sufficient information of the several debtors or their representatives I thought myself obliged to postpone this business till I heard further from the Commissioners — You wrote of some decisions shortly to take place and I have been expecting week after week to have them communicated — No schedule can at this day be made out which will stand correct. Several of the notes unsealed will no doubt be collected — and something may be obtained I trust on those debts which for safety are marked as debts due from persons Insolvent &c — I shall send you Sir by the next post — a statement of the legal impediments which we shall be able to set forth — The depositions of Insolvency &c will not be wanted as soon I suppose — they shall be prepared in due time —

I am Dr. Sir —
with greatest regard Your humb. Servt.
Robt Ogden Junr —

David A. Ogden to Robert Ogden, Jr.

Dear Sir —

Permit me to acknowledge the Recd of your favor of the 1st. Inst. Inclosing the Schedule of the Debts &c — I have been long waiting for the determination of the Board in the Case of Cunningham & Co. but have not yet received it, the moment it is made a Copy thereof shall be sent you —

As a full Recovery even against Solvent Debtors is impossible to be obtained on Account of the Deductions of Interest, in the State Courts; Mr. Smith and the *Board* do not consider suits absolutely necessary, even where Bonds have been obtained, because if Legal Impediments to the Recovery of these Debts have existed, the Treaty declares the United States shall pay, it does not oblige the Creditor first to Resort to the Debtor, and in Case of their Inability to pay then to the United States — The Principal Reason at present for Instituting Suits is by the Verdict of a Jury or the Assessment of Damages by the Court to ascertain the Precise sum due, which will remedy the inconvenience of obtaining Proof for that purpose, and if a Recovery for a part can take place against the Debtor, it will lessen the Burthen of the United States which I am told will be enormously great — Hence if in the opinion of

the Court of North Carolina the Statute of Limitations will by the Statutes of that State operate as a Bar. I would desist commencing any other suits in Cases of this kind altho I should think it prudent and advisable to obtain a determination in one of your Causes.

The Board have determined on a Claim arising in South Carolina, that where Debtors were insolvent in 1775. that the Creditor is not entitled to Recover against the United States under the Treaty. This information will save you trouble in procuring Testimony in Cases of this Nature if any should occur —

In presenting your Memorial &c to the Board of Commissioners, it will be requisite for us to obtain a Commission to examine Witnesses in North Carolina — The Names of the Witnesses must be particularly expressed Hence your next object will be to ascertain the Names of the Persons by whom you are to prove the different Evidences of these debts, the Solvency of the Debtors &c &c and send me a List thereof together with the Names of such Persons as you would suppose proper to be appointed as Commissioners —

I wish you would endeavor to bring on the Claim against Singleton for Rent in the first Instance and from his Property endeavor to obtain the Amount as I am doubtful as to our Recovery thereof from the U. States — A Fi: fa. returned Nulla Bona will certainly be sufficient for us to recover the Residue of our Demand against the United States, proving his Solvency since Legal Impediments existed — You may give him indirectly to understand no Ca. sa. will be Issued against him, this may induce him to bring this Business to a speedy Issue —

Be so good as to send me Copies of all the Statutes now in force in North Carolina which can be considered as Legal Impediments under the Treaty —

Will you confer with M^r. Smith on the subject of the House and Lotts late the Property of M^r. Edwards in New Bern, it is our wish to sell particularly if any thing near the Value thereof can be obtained, you will therefore offer it for sale and inform me the Terms on which you can dispose of it — What proportion of the purchase Money can be obtained in Cash, and the Security proposed to be given for securing punctual payment of the Residue — if we accede to the Terms proposed we will send you a power of attorney to sell — The price we expect to obtain is about 4000 — Doll^s —

Will you also make enquiry with respect to the Character of a Negro Man by the Name of Kit, or Cato, on the Farm near New Bern, whether he is Honest &c. and a good House Servant —

I propose visiting North Carolina in November next on the Business of M^r. Edwards as I am informed my Personal attendance will be necessary to obtain some Patents for Lands belonging to the Estate of M^r. Edwards. I do think I shall have leisure to go to New Bern but will write you previous thereto that you may meet me at Halifax —

[This and the previous letter endorsed:]

Robert Ogden's Letter 1. Aug^t — 1798
And Copy of
Answer thereto —

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern August 30th. 1798 —

Dear Sir

Since my writing to you last I have seen the representatives of George Bell — The Exrs. have passed their Accts. and delivered the property over to the guardians of the children. These were willing to discharge the debt without suit and promised some time ago to make the necessary arrangements for this purpose — property was to be sold and persons were ready to purchase and advance cash enough to make up a payment of half the debt — In expectation of this I lately went to Beaufort where I met all the parties interested. On entering upon the settlemt. I perceived that we could not agree in the amt. of Interest to be allowed — The decisions of the Fedl. Court had been understood to give Intst. only till it equalled the principal sum due — which is in fact all the effect of a *judgment rendered for the penalty* where no payments have been made — In this case payments have been made to lessen the original debt — still however the judgment must be for the penalty and we be at liberty to issue our Exn — for the sum due including the whole Amt. of Interest as I suppose, provided it be within the amt. of the penalty — It appeared also that the guardians could not sell without an order of Court — previous notice and on a credit of six months. I therefore thought it necessary to make the following arrangement. To get the Exrs. to acknowlege service of the Als. Caps. and authorize their Attorney to give me a Judgmt. at the next term — This will be given and the necessary proceedings immediately had to form a regular warrant for the guardians to pay forward the monies raised on the sales in the mean time to be made — So that all I have accomplished herein — is in getting the persons concerned favourably disposed and willing to concur in as speedy a settlement as can be had with safety to themselves and in gaining the time which the Marshall by neglecting to serve the writ had lost me —

I took the opportunity of seeing the Exr. of Wm. Coal — at the same time — could not induce him to settle according to the decisions of the Courts — and was obliged to leave a writ with the officer for his further persuasion — The bond of Wm. Dry is secured to be paid in June next. as also the notes of White & Nixon — Leml. Hatch & Hardy Bryan — & Ephrm. Lane in March & June next. Francis and Thos. Sparrow have bro't forward a claim, which if allowed will more than balance their note, for money due for the building of the Ship Cornell by their father — I have carefully avoided admitting this claim, and will see what construction will be put upon the Treaty of '83 when favourable to the american citizen — Independently of this consideration the claim is so loose as not to satisfy one of the propriety of allowing it — Michl. Beeton has honestly paid his note according to decisions alr[eady] had in like cases — a small sum. which is all that I have been able to collect this summer — so that no remittances can yet be expected — I am not a little surprised that the principles of the Commissioners are not yet established and made known — I have yet refrained from

suing on open Acc^{ts}. tho' I am told that some other agents do sue on such Acc^{ts}. You will doubtless communicate everything of importance as early as it occurs — No letters have been received for many weeks past —

I am D^{r}. Sir with greatest regard
Your humb Servt.
Robt Ogden Junr.

[Addressed:] David A. Ogden Esqr —
New Ark
New Jersey

By the Mail —

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern Septr. 13th. 1798 —

Dear Sir —

Your favor of the 16th. Ultimo is duly received and I embrace this first opportunity of replying to the same — I wonder the decision in Cunningham's Case has not yet been given — a full determination of the questions there depending would relieve us from no inconsiderable doubt on the subject of our own claims — You think it prudent to desist from commencing suits in cases where the Stat. of lim^{s}. may be opposed to us — I have been of this opinion Sir, and have only ventured to bring one Case before the Court in which I hope soon to obtain a decision that will determine the operation of the Statute — The Superior Court is to sit this next week, after which I shall be able to write particularly of the principles we may succeed in establishing — For your further satisfaction I shall then make out a statement of the Debts with the progress that has been made in prosecuting each &c &c —

The evidence necessary to substantiate our claims against the United States shall be prepared in time — I believe it will be best to send you a copy of Iredells revisal of the Laws of N. C. which contains all the laws which can be considered as having been legal impediments — They will be found under the head of confiscation Acts. & limitations of actions — perhaps this book is in the reach of M^{r}. Smith at Philad^{a} — if not it shall be sent without delay —

I have not yet entered on the compromise you suggested, with Singleton — It will be a difficult task and require some management. Genl. Davie will be here the next week — with his assistance I hope to have the business placed on such a footing as may be favourable —

In regard to the sale of the house and lots late of M^{r}. Edwards I do not understand whether the lots only that adjoin the house or all the lots in town are included in the valuation at 4,000 doll^{s} — 3600 doll^{s}. have been offered by two persons for the house and lots adjoining — one half paid on making the title, the other payable in one year thereafter with good security — One of these persons hesitates making any further offer untill some one is

fully authorised to sell and make title immediately — I suppose that he would then advance a little nearer to the valuation There is another lot near the Court house. for which 600 doll^{s}. have been offered — the money to be paid on making the title — 650 could probably be obtained — 700 have been offered ½ to be paid immediately the other secured to be paid in one year There is another back lot worth I am told 150 or 200 doll^{s} — it is in a remote part of the town — I know not how to advise the sale of this property — the offers that have been made are somewhat below the valuation of M^{r}. Nathan Smith. he is a holder of much property in town — and does not perhaps calculate as a purchaser would do — this I know — that the house and buildings are in very great decay — and will need a very considerable sum to be placed in any decent or convenient repair — The ravages of the storm and subsequent neglect have made this place very different I am told from what it used to be — The sale of lots &c in this town is by no means good at this time — some have been sold and several offered for sale at prices which one would suppose quite under value — After all it appears to me that 4000 doll^{s}. might well enough be afforded for the house and [ ] fine lots adjoining by any person who wanted the property for his own use and improvement — it might be made the handsomest seat for a gentleman of any in the town.

The negro you enquire after will I believe from the representation that has been made to me, answer the purposes you contemplate, very well —

I am at present in much better health than when in New Jersey — find myself perfectly safe in New Bern and on many accounts more conveniently situated here than I should be in the country. I shall be exceedingly happy to meet you at Halifax this Fall — and hope you will be able to let me know — the week you will be there —

With greatest regard
I am Sir Your humb. Servt.
Robt. Ogden Junr.

[Addressed:] David A. Ogden Esqr —
New Ark

David A. Ogden to Robert Ogden, Jr.

Dear sir

Permit me to acknowledge the Receipt of yours of the 13th: Ult^{o}. I have inclosed you herewith the deductions of Title for the several Lots we hold in New Bern and have referred you to the Records for any further particulars — I have also sent you a Memorandum with respect to some other Lands which belong to us, the value of which I will thank you to ascertain & to sell for Cash if you can get the value thereof

Could you obtain for the House and Lotts adjoining the Sum of $4,000 in Cash we would sell or could you get half in Cash and the Residue payable in One Year with Interest secured to be punctually paid by a Deposit of Bank

Stock Six per Cent Stock or any Security of this kind — We have suffered so much by Sale on Credit that we do not like them — if this cannot be done write me the best Terms to be obtained —

For the Lott by the Court house if you can get $650 in Cash you may sell — if that cannot be obtained 700 Dolls half Cash & to secure the residue with Interest the purchaser to deposit Stock as above —

The other Town Lotts to gether with the Lands in the Country you may dispose off, for such Sums as you may think them worth I think they must be valuable or Mr. Edwards would never have purchased them

A power of Attorney shall be sent you as soon as we can get into New York to have it acknowledged — The fever prevents our going at present altho' we think it much better and hope to return in 10 or 15 days.

Col Davie had in his Hands for prosecution several Bonds belonging to the Estate of Mr. Edwards, I wish you to Enquire what he has done with respect to Collecting these Debts, a Copy of his Receipt I will forward you in my next Letter.

The Commissioners have at length made a Report in Cunninghams Case and have determined generally in favor of the Claimants they have however also determined that where the Debtor was insolvent in 1775 no Claim will lie against the United States —

The Report being lengthy I shall send it you by water on the return of Capt Bartlett or by the first good opportunity. I am clearly of opinion that the less Suits you commence the better, for if Suits are brought I fear we shall be unable to obtain a report for such Debts until after they are decided and an Execution &c returned & be finally troubled to recover the Interest, be so good as to furnish the information required in my last Letter as soon as possible, and write me also who would be proper persons to act as Commissioners to Examine Witnesses, to prove the Execution of the several Bonds &c and the Solvency &c of the Debtors — as soon as this is done I will have them appointed be careful however that the Commissioners nominated will serve and attend to the Business for their Services reasonable allowance will be made — I have drawn out an Account against the Estate of David Barron deceased which I have sent for your perusal the former Account being stated with memorial in so informal a manner that it could not be presented in that Shape — could you ascertain an Acknowledgment of the fairness of this Demand it would be of essential Importance —

I am doubtful whether the monies paid Gibson Donaldson & Co. by Le Roy & Bayard for account of David Barron's Bond due them for which Mr. Cornell was the Security — can form a proper claim against the United States before the Commissioners, because paid *since the peace* it will however be a good Demand against the Estate of Barron: For this amount a suit must be brought against the Representatives of Barron's Estate if they refuse payment, but could you state these Accounts in such a way that the payment to Gibson Donaldson & Co. should appear to be made previous to the peace it would form a good claim against the United States This might be done by its appearing that Mr. Cornell assumed the payment of this Debt

previous to the war and made Barron Debtor therefore which is the manner I have stated it; Could this be effected and Testimony be obtained of Barrons reputed Solvency since the peace I have not the least doubt but we might recover from the United States — without Suit against the representatives of Barron

Till the Commissioners are appointed you had better avoid taking any Testimony in the meantime make such Enquiries as will enable You to procure the same without when it can be taken legally

You can send the Laws of North Carolina by water they will arrive in Season — I have procured what I deem immediately necessary from the Extracts of those Laws which I found in the pamphlet containing the pleadings in the Cause of Hamilton vs Easton —

The Decisions made by the Commissioners induced me to feel very indifferent about your making any Compromize with Singleton farther than it respects the Demand against him for *Rent* — In this Business do what you can but your Suits against him for the other Demands delay for the present

I do not think of leaving New York for North Carolina till the middle of November — previous to which I will write you more particularly and be enabled to ascertain the Exact period when I may promise myself the pleasure of meeting you at Halifax —

The Negro Man Kit from the recommendation you have given I have determined to take, should a good opportunity offer you may send him by water, if this should not be the Case I will trouble you to bring him with you to Halifax and he can return with me: if he is accustomed to waiting on a Gentleman the mode last mentioned, I should prefer, otherwise he would be more trouble than profit

You say that the Juries in North Carolina generally abate the Six Years Interest in the Federal Court and that the Supreme Court direct the Juries so to do, also that Interest cannot be recovered beyond the penalty of the Bond: I want you without delay to forward me certified Copies of these adjudications and should the Courts of North Carolina also determine that the Statute of Limitations will operate as a Bar, so much the *better*, as the United States will then make Compensation

with Sentiments of unfeigned Esteem
I am Your very hble servt
David A Ogden

Newark
October 3d. — 1798
Robert Ogden Junr. Esqr: (Copy)

P. S. I wrote you that I find arranged the Debts under different Heads, and had altered the Schedules you have forwarded — Copies I have reserved for you —

[Endorsed:] Copy of Letter to Robert Ogden October 3d — 1798 —

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern October 4th. 1798 —

Dear Sir.

The Superior Court for this district has again adjourned at an early and unexpected time without taking up the rule for argument causes. (It was this time from an alarm on account of the prevalent sickness —) So that I have been again disappointed in obtaining any decisions on the questions I have wished — In regard however to the operation of the Stat. of limitations a decision has not long ago been had in the Superior Court for the district of Hillsborough directly to this effect — that the Stat. shall operate notwithstanding the Treaty of '83 — the record of this Cause may be obtained and will without doubt answer our purpose — As to the deduction of six years Interest on single bills, notes &c the decisions are many and uniform — that the same must be made — I have conferred with Singleton's Counsel on the subject of the compromise proposed — tho' I have not yet given him my 'ultimatum' — At present nothing has been agreed upon — Genl. Davie advises me to insist on the whole Amt. due for the time until the lessee was evicted which we believe was two years — For the unsealed note I believe I can prove an acknowlegement which will apply and may perhaps be sufficient — I shall at any rate prepare the evidence and this will probably have an effect to produce an accommodation. Since the sitting of the Court I have thought it necessary to flee the danger of the present sickness and choosing the most convenient distance I went to Swansborough — for the salt air and water, from whence I have this day returned in expectation of finding your answer to my last letter respecting some final determinations on selling the property in town late of Mr. Edwards decd. and also on the subject of the Confiscation acts. I then suggested to you the expediency of referring for these to the body of laws contained in 'Iredels revisal of the laws of North Carolina' appearing to be 'published according to Act of Assembly' and printed by the State Printers — This must certainly be evidence in Philadelphia, and the book is without doubt there — Copies of the acts in question I have already taken, but these in order to be evidence should be certified by the Secretary of the State — and to get this done at the distance the Secretary now is from this place — he being at present at Hillsborough, would be attended with an expence which in the way proposed might well enough perhaps be avoided —

The Answer of David Barrons heirs &c has not yet been made — nor their account — this they have promised to furnish me with in a few days — As soon as secured — it shall be sent you — The bill against them is drawn in the manner you wished —

Exceedingly fatigued by my exertions to day to get into town in season for the returning post, (notwithstanding the misfortune of mistaking my road and wandering for a long time in the Pine woods — and not a little unwell — I am obliged here to close this letter, and excuse myself to you till the next week — when I shall complete the communications which I have to

make — I have not till this day felt any apprehension of the sickness — I am now a little alarmed by the number of deaths in the town — One young man with whom I have associated much — whose manner of living and whose temperance, were as mine, is suddenly dead — his prudence could not preserve him from the merciless fever — and I have now lost my strongest reliance — After all however we may not here be in so great danger as the citizens of New York or Philadelphia — I hope none of your friends have been overtaken with the fever of this season — Adieu for the present. I add my best wishes for your health and happiness — and Am Sir

with greatest regard
Your humb. Servt —
Robt. Ogden Junr —

David A. Ogden
Esquire —

P. S. 700 doll^{s}. have since been offered for the lot near the Court house — the Cash to be paid on making the title — this is thought enough —

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

Abner Nash	Sued to June term 1798 of Circ^{t}. Court At issue for Novr. Term — Satisfaction in whole or in part expected from Estate.
W^{m}. Bryan &c —	The same
James Davis —	The same
James Coor —	The same
Levi Dawson	The same
Thos. J. Emery —	The same
N. Godley & John Jurdin —	The same
John & W^{m}. Bryan —	The same
George Bell —	The same
Rich^{d}. Blacklege & J. Singleton —	The same
J. Singleton —	The same
John Tillman —	The same
Thos. C. Howe —	Bill in equity filed of June Term 1798 — of Circ^{t}. Court —
David Barron —	The same —
Rich^{d}. Henderson & Leon^{d}. Bullock	Sued to June Term 1798 — of Circ^{t}. Court Al^{t}. to Novr. Term —
C. Crook & S. Lee —	The same —
Saml. Strudwick —	The same —
Alex^{r}. Hortler & Co.	The same —
William Orme —	The same

Benjn. Sheppard —	May be noted as sued — Judgm^{t}. will be given in Novr. Term —		
Edwd. Salter —	Sued to Novr. Term &c as above		
Britain King	Sued in the County and Sup^{r}. Courts — and satisfaction in whole or in part expected —	Craven	Ct^{y}
Cason Brimon		Do	
Thos. Gatlin		Do	
William Coal		Carteret	
Francis Dawson		Craven	
Longfield Cox		Do	
Thom^{s}. Stanaland		Jones	
John Daly		Craven	
Edwd. Gatlin		Do	
Robt. Williams &c		New Bern Dist. Sup^{r}. Court	
J. Campbell & Son		Bertie	
L. Hatch & H. Bryan	May be noted as settled — in part — that is to say — so far as the Courts of law in North Carolina would have enforced —		
Hardy Bryan			
Christ^{r}. Rispess			
Adam Tooley			
S. White & R. Nixon			
F. & T. Sparrow			
Ephr^{m}. Lane			
S. Edwd. & M. Beeton			
William Dry			
John Taylor & Thos. Eaton			
Jacob Blount &c	These have not yet been sued. My Counsel have not determined on the chance of success — Suits will be immediately commenced if circumstances can be collected sufficient to support them — Shall know this in a week or two and write particularly —		
Edwd. Buncombe			
W^{m} & Jesse Barfield	Persons who live or lived in remote Counties of whom information has lately been obtained — and against whom suits are now commencing — My Attorney is now among them — with directions to prosecute &c — (A few may settle). They may be noted however as sued —		
James Hood			
Burwell Moring & James Grace			
Thom^{s}. Moore			
W^{m}. Sasser			
Henry Smith			
John Sessions			
James & Jno. Smith			
James Carmack			
William Tyer			
John Sasser —			

The persons remaining on the list are those who have either not been heard of. or are insolvent or have removed to parts unknown leaving no estate — or whose debts rest on unsealed notes &c, against whom we have not ventured to bring suits —

New Bern Octr. 11th. 1798 —

My D^{r}. Sir —

I have just returned from a few miles above Washington where I have been to see the Dep^{y}. Marshall — I find no letters this evening from you —

The foregoing statement is made out in haste — and will perhaps answer your purpose so far as to enable you to accompany the schedule with notes of the suits commenced &c — I shall take up my memoranda and make out a more particular & satisfactory statement immediately — In the mean time my best wishes are with you and Am

with great reg[ards]
Your humb. Servt.
Robt. Ogden Junr.

This town continues
sickly yet. not so
much however I believe
as to prevent my residence
here —

[Addressed:] David A. Ogden Esqr —
New Ark

ROBERT OGDEN, JR. TO DAVID A. OGDEN.

New Bern Octr. 18th. 1798 —

Dear Sir —

You will herewith receive a printed copy, appearing to be *evidence*, of the Laws of North Carolina — those material to our purpose will be found in pages 12 — 281 — 284 — 318 — 341 — 364 — 379 — 425 — 452 —

Your letters of the 29th. ultimo and 3^{d}. of the present month are received — together with the deductions of title to the lots &c late of M^{r}. Edwards — In regard to the amount of monies paid into the Treasury and by whom — this cannot be ascertained without going to the Treasurer's office at Raleigh — I can obtain evidence in this place of but two payments —

March '80 —	By James Coor on his Acc^{t}. with Saml. Cornell —	£ 218..10..0
	— Spyers Singleton on D^{o} —	2556..13..3

There are some other Accounts here of debts returned by the Commissioners as discovered due to M^{r}. Cornell — which Acc^{ts}. of themselves can be of no use to us —

It will be necessary for me to be at Raleigh the first week of Decr. when all the information on this head that can be there procured shall be furnished you — It does not occur to me that any inconvenience can arise from this delay — as there is other evidence equally necessary which cannot be procured before that time — If the memorial is presented with the schedule of debts as made out in the abstract — let the business rest here for the present, until we can complete the evidence necessary to substantiate our claims on all the different grounds we intend to rely on — let a Commissioner or commissioners be appointed immediately to take such part of this evidence as is to be collected from witnesses &c This letter I hope will reach you in a week or ten days and in three or at least four weeks from this time the Commission may arrive — and entering on the business immediately, I may complete it in Decr. Francis Hawks Esqr. of New Bern would be a very proper person for this purpose — or if more than one are necessary Silas W. Arnett Esqr. of the same place might then be appointed also —

Certified Copies of the adjudications of the Courts in regard to Interest depreciation of Currency and the operation of the Stat. of limitations shall be procured as soon as possible — and forwarded to you — I cannot yet Sir, enable you to make any further or more particular statement of the characters and circumstances of the debtors on the schedule — Any that should now be attempted would be liable to too much inaccuracy and require many alterations no doubt, when the evidence we shall presently proceed to take, is unfolded —

In regard to the debts of M^{r}. Low — resting *all* on notes unsealed and book Acc^{ts}. I had omitted to enquire into the circumstances and situation of debtors agst. whom I had no claims that could be enforced in this State, expecting that these debts would become the subject of a claim against the United States, being losses arising from the legal impediment — the Statute of limitations — From the decision of the Commissioners they may doubtless be recovered solely on this ground — Pray tell me sir if any claim hereon has yet been put in — and if not whether any assistance of mine will be wanted — have you a copy of the list of debts?

Your Servt. boy Kit goes to you by Captn. Bartlett — he will arrive before you set out for North Carolina. I wish you could so fix your time Sir, as to be at Halifax either the last week of Novr. or the second of Decr. It will be highly proper perhaps necessary for me to attend at Raleigh the first week of this last month — I have this day waited on the Counsel for David Barron's representatives, — and at this time can only tell you in general that they will be willing no doubt from assurances given me, to have our claim agst. them placed on such a footing as would be favorable to us without operating any injury to them —

In my last I wrote you that we had not yet ventured to bring suit agst. the representatives of Jacob Blount. or agst. those of Edwd. Buncombe — In regard to Jacob Blount — it is in the first place impossible to ascertain who are his *legal* representatives — tho' this difficulty might in time be removed by risking an action agst. some or one of them on the defeating of

which, we might learn who the proper def^{ts}. w^{d}. be — but it seems in the next place — that some agreement was made by or in behalf of the representatives of M^{r}. Cornell with Jacob Blount that certain charges to a large Am^{t}. for his attendance &c as witness in behalf of the estate of M^{r}. Cornell in suits bro't by the Estate sh^{d}. be allowed out of his bond — I have *frequently* pressed this subject to my counsel — When Genl. Davie was last in this place — his advice was that I sh^{d}. write to Allen Jones Esqr. to know the above mentioned agreement, and on what evidence it rested — and to forbear suing for the present — lest the bond sh^{d}. be avoided by the mere circumstance of the obligor being named Ex^{r}. in the will of M^{r}. Cornell — and the claim for services as witness still be good — If this claim sh^{d}. appear to be good at this day — he thought it w^{d}. be better to have the same offset agst. the bond in amicable settlement, than incur the above stated danger. I wrote to Genl. Jones two weeks ago on this subject. have not yet received his answer. In respect to our claim agst. Edwd. Buncombe's Estate — this rests on a bill of sale of certain negroes in trust for £500 — It does not appear that this was accompanied with a delivery of the negroes — It cannot now be good agst. purchasers &c of the Estate — the property is said to have been all or most of it sold — besides the seal appears to be torn off of the deed. (I mentioned this I believe before) To save the expense of a jaunt to Edenton and to avail myself of the *last chance* of procuring the necessary information of this Estate I have given W^{m}. Slade Esqr. of that place — the usual fee 10 doll^{s}. to enquire for the same — and if possible to collect facts enough or lay some foundation, for a bill in equity* immediately — promising him for his success herein so as to facilitate our remedy over — a further compensation — I have not yet heard from him on this subject —

(Will you be so kind Sir as to procure for me a handsome sword cane — 3 feet long — of the *smallest* size —)

I am Sir with best wishes
Your humb. Servt.
Robt. Ogden Junr.

P. S. I imagine Sir it would be expedient to send the Commission for taking evidence to *both* the before named persons — this, if not necessary, would be a prudent guard agst. the failure of either thro' accident &c —

* this on advice

David A. Ogden to Robert Ogden, Jr.

D^{r}. Sir

By the Arrival of Capt. Bartlett's Vessel I rec^{d} your favor of the 18th Ult^{o}. together with the printed Laws of North Carolina, also my Negro Boy Kitt who exceeds my most Sanguine expectations — Had I not presented our Memorial I would have been more explicit in pointing out the several Acts of North Carolina amounting to legal impediments — particularly the

14th Section of the Act of 1783 Entitled "An Act for establishing a Scale of Depreciation." &c &c. Our claim I am in hopes however in its present form will meet a favorable reception, the more so as I am informed it has already passed the Inspection of the British Commissioners, and is now under the Inspection of the American Agent, to state such objections as may occur to him; on the 25th I shall leave this place for Phila where I shall use my best endeavours to obtain a Decision, previous to my going to North Carolina — when this is effected I shall have Commissioners immediately appointed

From the information I have derived from Mr Rich one of the British Commrs it appears probable to me that the Board will in all cases award payment by the United States, where the Amount of the Debts or a part thereof has been paid into the Treasury, to this Measure I believe our Government will find it politic to accede, as a contrary principle would tend much to weaken the confidence of many Good Men in the Federal Government Some of whom have been compelled to pay their Debts into the Treasury in pursuance to the Laws of the States where they resided and what I conceive of more importance considering the situation of our Government would again bring into disruption the British Treaty of Amity and Commerce, in its most vulnerable part, as the claims against our Government under the Sixth Article of the British Treaty will amount to at least Twelve Million of Dollars it was under this impression that I wanted the Certified Copies from the Books of the Treasury of the payments on Account of Mr Cornell in North Carolina, in order to clap Debts of this Description under a particular head; and I am still of Opinion that as soon as you can conveniently obtain them it should be done — The Certified Copies of the Adjudications of your Courts with respect to the Sta. of Limitations &c &c I shall daily expect. —

The Memorial of Mr Low is prepared, also a list of Debts &c a Copy of the Schedule of these Debts you will receive herewith, of which you must be careful as I retained it as an Office Copy — I have omitted classing the Debtors under any distinct heads & have stated in the Memorial as a reason the absence of Mr Low from this Country & the want of time to procure this information promising it however before a final Award: I hope this Object will also claim your early Attention —

My proposed Jaunt to Halifax I more & more dread as the time approaches for my departure — The Fever during it's continuance caused a Total Stagnation to business — of course much distress in pecuniary matters: as health & business again increase punctuality will be required; this presents a promising Harvest for Men of our profession — Poor as I am, however, I wish it otherwise & calling to my imagination the distresses of the Widow & the Orphan I shudder at the prospect of being the instrument of their Ruin — a little reflection cures these noble effusions of the Mind & dictates what the Duties of my profession require — hence it is that in a pecuniary point of view I think my Jaunt will not be advantageous & that by my absence from business I shall lose more than my Journey will secure — At any rate I shall not be at Halifax before the Middle of December as I shall be detained in Philadelphia till the 3d or 4th of that Month — You will of course be in Season to meet me after your return from Raleigh

The Books of Mr Cornell & Mr Low of [crossed out] want, I wish we could be insured of their safe Arrival, if sent by this Opportunity, but they are of too much importance to risk a transportation by water, therefore you must not expect them till I arrive, or some other Opportunity offers.

The arrangement you have made with respect to the Demand against the representatives of Baron I approve — Against Bunscombe's Estate do not till further advised commence a Suit — as the Commissioners will probably award payment — if this should be the case you will save much trouble and the Costs of Suit

At present your great Object with Barons representatives should be to liquidate the Debt, could this be effected it would be the most essential Service you could perform — A month or even a Year's attention to this single claim — if eventually attained, would to yourself, and those interested in the Estate of Mr Cornell, be of the first Magnitude —

It is true that Mr Le Roy when he was in North Carolina agreed with Mr Jacob Blount for the settlement of his Bond — that for this purpose the Bond was sent Genl. Jones: but to this Settlement Mr Blount afterwards refused to accede under the presumption that no recovery could be had against him: the business remains therefore precisely in the same situation as if nothing had passed on this Subject — Mr Blounts Estate however with propriety may be allowed an off set for his Services attending as a Witness in the several Actions brought for the recovery of the read Estate — The Amount that would be proper to credit Genl Davie is the most proper person to determine as no specific Sum was ever agreed on — In order to ascertain J. Blount's legal representatives, it might be prudent to institute an Action against those whom you suppose are the proper persons — if you think proper this Action can be brought in the name of Mrs Mary Edwards the Admx to Mr Isaac Edwards Estate, on the Bond I sent you & till further advised delay proceedings against Blount's Estate at your Suit

Herewith you will also receive Copies of the several Schedules annexed to your Memorial preserve them or Copies thereof — You will find by them that I have arranged the Debtors in a different Manner from what we before contemplated & rectified some Errors in the calculating of Interest &c &c The schedules are marked C. D. E.

By the release of Dower from Mrs Edwards to Susannah Edwards, myself & wife sent herewith — the title is perfect in us, & by the enclosed power of Attorney you will be completely authorized to sell the real Estate whereof Isaac Edwards Esquire died seized in North Carolina — Capt Kimms who at present commands Capt Bartletts Vessel has subscribed his name as a Witness to these papers — this will enable you to have them registered in case the acknowledgement before the Mayor should prove insufficient — In executing this power however you will observe that you are not to sell any other property than that specified in my Letter of the 3d day of October last — nor for a smaller Amount — The Lott of Land by the Court House you may sell on the terms specified in your Letter if you can obtain no more viz $700 — The Amount of Sales when recd remit Mess.

Le Roy Bayard & McEvers in the most advantageous Manner in your power, deducting such commissions as we agreed to pay you on recovery of the other Debts & if good Bills cannot be procured such as Mr Smith would approve — Ship the Cash advising us by post some days previous thereto — specifying the Vessel & the name of the Capt. in which you intend to Ship it & the Amount that Insurance may be made

Inclosed you will receive the Copy of a receipt given by Mr Davie for a number of Bonds delivered him by Mrs Edwards for collection — be pleased to call on him and ascertain the state of these demands what Amount he has received and the state of each particular Debt

I have purchased for you a sword Cane — it being the first purchase of the kind I ever made I hope it will answer your expectations — The Cost thereof is $2 —

A Duplicate of this Letter goes this Day by Capt Kimms My next Letter I shall direct to you at Halifax — under the presumption that you will leave Newbern for Raleigh previous to its Arrival at the former place — Yours &c

D. A. Ogden

New York
Novr. 12th. 1798 (Copy)

PS. The power of attorney together with the release of Dower &c is not sent herewith — in the Expectation that Capt Kims will safely arrive; also the Copies of certain Notes receipts &c respecting which you are to make enquiry previous to my Arrival

[Endorsed:] David A. Ogden to Robt. Ogden } Letter

Novr. 12th. 1798.

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